

*“The following draft minutes of the Board meeting have not been adopted by the Board and are provided for general information only”*

**California Victim Compensation and Government Claims Board**

**Open Meeting Minutes**

**October 29, 2004**

The California Victim Compensation and Government Claims Board convened its regular session at the call of Fred Aguiar, Secretary, State and Consumer Services, at the First Floor Hearing Room, 630 “K” Street, Sacramento, California, on Friday, October 29, 2004, at 10:00 a.m. Also present were Board members Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller, and Michael Ramos, San Bernardino County District Attorney.

Board staff present included Karen McGagin, Executive Officer; Judith A. Kopec, Chief Counsel; Luisa Park, Deputy Executive Officer, Administration Division; and Christina M. Aceituno, Manager, Government Claims Program, Sally Gill, Board Liaison, recorded the meeting.

The Board meeting commenced with the pledge of allegiance.

The Board voted to adopt the minutes of the September 24, 2004, Board Meeting.

**EXECUTIVE OFFICER’S STATEMENT**

The Executive Officer reported on the following:

October is Domestic Violence Awareness Month. The Executive Officer is a member of the Attorney General’s Task Force on Criminal Justice Response to Domestic Violence and participated in the task force October hearing in Redding. The task force will finalize its findings and issue a report in late January.

The Executive Officer and the Chief Deputy Executive Officer attended the annual conference of the National Association of Crime Victim Compensation Boards in Charleston, South Carolina. Approximately 200 directors and staff from compensation programs throughout the United States participated in the conference. The Executive Officer served on a panel and discussed the Board’s response to the terrorist attacks of September 11, 2001.

October 20, 2004, was the 20<sup>th</sup> anniversary of the enactment of the Victims of Crime Act. This began the state-federal partnership in which \$4.8 billion in federal criminal fines and fees have been distributed to state crime victim assistance and compensation programs.

The Board has a number of new staff as of November 1, 2004, including the appointment of Ted Boughton, Deputy Executive Officer, Victim Compensation Program, and Dennis Boydston, Deputy Executive Officer, Revenue Recovery and Accounting Division. Mr. Boughton has extensive experience in victims’ issues and formally worked at the Board. Mr. Boydston has implemented complex programs, regulations and laws and has worked closely with board members at the State Allocation Board. The Board welcomed the new staff.

The “Contract Report” and the “Legislative Program Update” were presented as information only.

The 2005 California Victim Compensation and Government Claims Board meeting calendar was presented and will be considered for adoption next month.

### **GOVERNMENT CLAIMS PROGRAM**

The Board commenced the Government Claims Program portion of the meeting at 10:10 a.m.

Item 1 The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 150 **Claimant: Grant E. Keller** **G544081**

The claimant requested this claim to be continued to submit additional information.

Item 153 **Claimant: Mary E. Keller** **G544201**

The claimant requested this claim to be continued to submit additional information.

Item 154 **Claimant: Chris Walker** **G544277**

The Department of Corrections requested this claim be withdrawn and will directly pay the claim.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed		Late Claims	
			Paid via Gov. Code §965	Paid via Claims Bill	Denied	Granted
499	281	209	24	185	6	3

Item 2 **CLAIMANT: Inter-Con Security Systems, Inc.** **G538547**

Jacque Wright, Chief, Office of Business Management, District 7, and Kapiolani Lyman, Senior Legal Analyst, both appeared on behalf of the Department of Transportation. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$565,222.32 pursuant to Government Code section 965.

Item 3 **CLAIMANTS: Wackenhut Corrections Corporation** **G534676**

**Alternative Programs, Inc.** **G535008**

**MTC Eagle Mountain Community** **G534288**

**Cornell Corrections** **G535231**

These claims were continued at staff's request.

Item 4 **CLAIMANT: Stoel Rives** **G545177**

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$137,755.90 pursuant to Government Code section 965.

Item 5 **CLAIMANT: County of Los Angeles – Alcohol & Drug Program** **G544325**

The Board voted to adopt to allow the claim in the amount of \$75,073.95 pursuant to Government Code section 965.

Item 6 **CLAIMANT: Mother Lode Van & Storage, Inc.** **G542181**

Rod Larson, President, appeared on behalf of the Mother Lode Van & Storage. Arch Price, Chief, Administration Division, and Scott Clark, Chief, Statewide Facilities Unit, both appeared on behalf of the Department of Health Services. The Board voted to adopt the staff recommendation to allow the claim in the amount of \$37,422.00 pursuant to Government Code section 13928.

Item 7 Chris Aceituno, Manager, Government Claims Program, presented the "Information Concerning the Discharge of Accountability Process," this report was for information only.

Item 8 Chris Aceituno, Manager, Government Claims Program, presented the "Discharge from Accountability for Uncollectible Accounts pursuant to Government Code section 13940, et seq." The Board voted to adopt the staff recommendation to allow the Discharge from Accountability for Uncollectible Accounts in the amount of \$502,807,097.45 pursuant to Government Code section 13940, et seq.

Item 9 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer in Invitation for Bid (IFB) No. 53118 by Laurus Systems." Caren Levine, attorney, appeared on behalf of Berkeley Nucleonics Corporation. The Board voted to adopt the hearing officer's proposed decision.

Item 10 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of James Martell Land Claim number G532431." The Board voted to adopt the hearing officer's proposed decision.

Item 11 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of Daniel DelCastillo Claim number 518087." The Board voted to adopt the hearing officer's proposed decision.

Item 12 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of Alejo Rivero Claim number 518442." The Board voted to adopt the hearing officer's proposed decision.

Item 13 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of Roy Alvarez Claim number 534815." The Board voted to adopt the hearing officer's proposed decision.

Item 14 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of Kelly Carrington Claim number 517906." The Board voted to adopt the hearing officer's proposed decision.

Item 15 Judith Kopec, Chief Counsel, presented the "Proposed Decision by the Hearing Officer for the claim of Reginald Simmons Claim number 524887." The Board voted to adopt the hearing officer's proposed decision.

### **VICTIM COMPENSATION PROGRAM**

The Board commenced the Victim Compensation Program portion of the meeting at 10:45 a.m.

### **REQUESTS FOR RECONSIDERATION**

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 8, and deny requests for reconsideration for agenda item numbers 9 through 47.

<b>9 CLAIMANT</b>	<b>204063V</b>
<b>10 CLAIMANT</b>	<b>595435V</b>
<b>11 CLAIMANTS</b>	<b>642935V, 642938V, 6429393V</b>
<b>12 CLAIMANT</b>	<b>687936V</b>

<b>13 CLAIMANTS</b>	<b>709188V, 709189V</b>
<b>14 CLAIMANT</b>	<b>730545V</b>
<b>15 CLAIMANT</b>	<b>749274V</b>
<b>16 CLAIMANT</b>	<b>760987V</b>
<b>17 CLAIMANT</b>	<b>763322V</b>
<b>18 CLAIMANT</b>	<b>766368V</b>
<b>19 CLAIMANT</b>	<b>777129V</b>
<b>20 CLAIMANT</b>	<b>786494V</b>
<b>21 CLAIMANT</b>	<b>793989V</b>
<b>22 CLAIMANT</b>	<b>799020V</b>
<b>23 CLAIMANT</b>	<b>799408V</b>
<b>24 CLAIMANT</b>	<b>799766V</b>
<b>25 CLAIMANT</b>	<b>799903V</b>
<b>26 CLAIMANT</b>	<b>800172V</b>
<b>27 CLAIMANT</b>	<b>803254V</b>
<b>28 CLAIMANT</b>	<b>804973V</b>
<b>29 CLAIMANT</b>	<b>805836V</b>
<b>30 CLAIMANT</b>	<b>805857V</b>
<b>31 CLAIMANT</b>	<b>806245V</b>
<b>32 CLAIMANT</b>	<b>806670V</b>
<b>33 CLAIMANT</b>	<b>807179V</b>
<b>34 CLAIMANT</b>	<b>809739V</b>
<b>35 CLAIMANT</b>	<b>809851V</b>
<b>36 CLAIMANT</b>	<b>811305V</b>
<b>37 CLAIMANT</b>	<b>813871V</b>
<b>38 CLAIMANT</b>	<b>814907V</b>
<b>39 CLAIMANT</b>	<b>815011V</b>
<b>40 CLAIMANTS</b>	<b>815140V, 815162V</b>
<b>41 CLAIMANT</b>	<b>816039V</b>
<b>42 CLAIMANT</b>	<b>816200V</b>
<b>43 CLAIMANT</b>	<b>818196V</b>
<b>44 CLAIMANT</b>	<b>818935V</b>
<b>45 CLAIMANTS</b>	<b>820606V, 820607V, 820608V</b>
<b>46 CLAIMANT</b>	<b>820919V</b>
<b>47 CLAIMANT</b>	<b>828280V</b>

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 48 through 112.

### **PUBLIC COMMENT**

Ed Perez, President, District Labor Council 782, appeared on behalf of the Service Employees International Union (SEIU). Mr. Perez commented that several labor relations grievances have been filed and were denied by the Department of Personnel Administration, Board staff did not timely respond to a Public Records Act Request, and alleged that management interfered with union members' right to communicate with their elected representatives using State equipment.

Cecilia Tarango, Board employee, appeared as a private citizen and commented on several issues that included the low morale among the Board's rank and file employees over the last

2 – 3 years and a concern that positions are being filled at the management level but not at the rank and file level.

Romer Cristobal, Local Chapter President, SEIU, stated that he received several memoranda from the Board stating that he allegedly violated departmental policy regarding communication with elected representatives. He also alleged a number of accusations about the Board's management.

#### **CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))**

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into a closed Executive Session with the Board's Executive Officer, Chief Counsel, the Deputy Executive Officer, Administration Division, and the Chief Information Officer, Information Systems Services, at 10:55 a.m., to discuss pending litigation and deliberate on the proposed decisions that were taken under submission during the meeting.

The Board reconvened into an open session at 11:00 a.m.

#### **PROPOSED DECISIONS**

Item 113 **CLAIMANTS** **529621V, 532290V, 532291V**

The Board voted to adopt the proposed decision.

Item 114 **CLAIMANT** **532069V**

The Board voted to adopt the proposed decision.

Item 115 **CLAIMANT** **592293V**

The Board voted to adopt the proposed decision.

Item 116 **CLAIMANT** **652457V**

The Board voted to adopt the proposed decision.

Item 117 **CLAIMANTS** **659745V , 659755V**

The Board voted to adopt the proposed decision.

Item 118 **CLAIMANT** **664188V**

The Board voted to adopt the proposed decision.

Item 119 **CLAIMANT** **762730V**

The Board voted to adopt the proposed decision.

Item 120 **CLAIMANT** **767769V**

The Board voted to adopt the proposed decision.

Item 121 **CLAIMANT** **771237V**

The Board voted to adopt the proposed decision.

Item 122 **CLAIMANT** **772877V**

The Board voted to adopt the proposed decision.

Item 123 **CLAIMANTS** **788212V, 788213V, 788215V, 788214V**

The Board voted to adopt the proposed decision.

Item 124 CLAIMANT 788359V, 788361V, 788369V

The Board voted to adopt the proposed decision.

Item 125 CLAIMANT 789078V

The Board voted to adopt the proposed decision.

Item 126 CLAIMANT 789336V

The Board voted to adopt the proposed decision.

Item 127 CLAIMANT 789411V

The Board voted to adopt the proposed decision.

Item 128 CLAIMANT 789459V

The Board voted to adopt the proposed decision.

Item 129 CLAIMANT 789962V

The Board voted to adopt the proposed decision.

Item 130 CLAIMANT 794239V

The Board voted to adopt the proposed decision.

Item 131 CLAIMANT 796287V

The Board voted to adopt the proposed decision.

Item 132 CLAIMANT 802937V

The Board voted to adopt the proposed decision.

Item 133 CLAIMANT 803090V

The Board voted to adopt the proposed decision.

Item 134 CLAIMANT 809544V

The Board voted to adopt the proposed decision.

The meeting was adjourned at 11:00 a.m.

KAREN McGAGIN  
Executive Officer

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I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of \_\_\_\_\_ at \_\_\_\_\_, California.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Sally Gill

Board Liaison

*(Affix seal here)*